

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RLI INSURANCE CO.,

Plaintiff

v.

FIFTH THIRD BANKCORP,

Defendant.

Case No. 1:14-cv-802

Beckwith, J.
Bowman, M.J.

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FIFTH THIRD BANCORP, et al.,

Plaintiffs,

v.

CERTAIN UNDERWRITERS AT LLOYD'S, et al.,

Defendants.

Case No. 1:14-cv-869

Beckwith, J.
Bowman, M.J.

ORDER¹

The above two cases initially were consolidated solely for purposes of discovery and pretrial proceedings. On January 9, 2017, the case was reassigned to U.S. District Judge Timothy S. Black for all further proceedings. Although the cases were previously set for trial on different dates, (see Docs. 27, 70 in Case No. 14-802, Docs. 33, 77 in Case No. 14-869), both cases are presently set for trial on October 23, 2017. Currently before the undersigned are Fifth Third's motions to amend its pleadings in both Case

¹Although Fifth Third's motions to amend its pleadings were not filed under seal, both the Insurers' responsive memoranda and Fifth Third's replies have been filed under seal. To avoid disclosure of confidential materials, a separate Memorandum Opinion and Order has been filed under seal, with access restricted to the parties and the Court. This stand-alone Order addresses the publicly filed motions

No. 1:14-cv-802, and in Case No. 1:14-cv-869. Fifth Third's untimely motions will be conditionally granted.

Accordingly, **IT IS ORDERED:**

1. Fifth Third's motions to amend its pleadings (Doc. 81 in Case No. 1:14-cv-802 and Doc. 85 in Case No. 1:14-cv-869) are GRANTED, subject to the conditions set forth in paragraphs 2 and 3;
2. Fifth Third shall clarify in discovery responses whether the elimination of the Valuation Fraud allegations in the amended pleadings encompasses the following columns within Rechel's Summary of Fraud Findings: Columns C E, and H. Fifth Third also shall clarify whether it intends to assert any of the allegations contained in the description of the referenced columns;
3. Fifth Third shall clarify in discovery responses whether Exhibit 4 to the Third Amended Complaint filed in the Illinois action correctly identifies the alleged fraud indicators and identifies which of the alleged indicators apply to each advance;
4. The Insurers' request for the imposition of additional conditions and for the imposition of discovery costs and fees, either past or future, is DENIED.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge